

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---------------------------------------|---|----------------------------------|
| SLOAN VALVE COMPANY, |) | |
| a Delaware corporation, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | |
| |) | Case No. 1:10-cv-00204 |
| ZURN INDUSTRIES, INC., |) | |
| a Delaware corporation, |) | Judge: Hon. Amy J. St. Eve |
| |) | |
| and |) | Magistrate Judge: Hon. Sidney I. |
| |) | Schenkier |
| ZURN INDUSTRIES, LLC, |) | |
| a Delaware limited liability company, |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT
REGARDING ITS MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS'
DAUBERT MOTION TO EXCLUDE TESTIMONY OF RICHARD BERO**

Sloan respectfully moves for leave to exceed the page limit for a brief under Local Rule 7.1 in its Memorandum of Law in Opposition to Defendants' *Daubert* Motion to Exclude Testimony of Richard Bero. In support of its motion, Sloan states as follows:

1. On June 10, 2013, Zurn filed its *Daubert* Motion to Exclude Testimony of Richard Bero (Dkt. 528). Zurn filed an accompanying Memorandum of Law in support of its motion (*See* Dkt. 558, filed under seal) (hereinafter "Zurn's Brief").
2. Zurn's Brief exceeded that 15-page limit set forth in Local Rule 7.1. Zurn's Brief was 21 pages long. Zurn sought leave of Court to exceed the page limit (Dkt. 526), and this Court granted Zurn's motion (Dkt. 552).

3. On July 25, 2013, Sloan filed (contemporaneously herewith) its Memorandum of Law in Opposition to Zurn's *Daubert* Motion to Exclude the Testimony of Richard Bero ("Sloan's Brief.").

4. While Sloan endeavored to keep its memorandum of law concise, proper development and discussion of the factual record and the issues raised by Zurn—which include complicated legal issues such as the Entire Market Rule, the "Apportionment" Rule, Convoyed and Derivative Products, Reasonable Royalty Methodology, Price Erosion, and Provisional Rights entitlement, and which are based on a complex factual record—required extensive presentation in Sloan's Brief, totaling in all approximately 32 pages.

5. It is Sloan's view that full briefing at this point will ultimately save the Court time in the overall disposition of these issues.

6. Zurn will not be prejudiced by allowing Sloan to fully develop and discuss the multitude of factual and legal issues raised by Zurn in its brief.

7. Sloan will not oppose any similar request from Zurn for additional pages for Zurn's reply to Sloan's Brief.

Based on the foregoing, Sloan respectfully requests leave of this Court to exceed the page limit for a brief under Local Rule 7.1 in its Memorandum of Law in Opposition to Defendants' *Daubert* Motion to Exclude Testimony of Richard Bero.

Dated: July 25, 2013

Respectfully submitted,

/s/ Jason A. Berta

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CERTIFICATE OF SERVICE

I, Jason A. Berta, an attorney, hereby certify that on July 25, 2013, I caused to be filed electronically PLAINTIFF'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT REGARDING ITS MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' *DAUBERT* MOTION TO EXCLUDE TESTIMONY OF RICHARD BERO with the Clerk of the Court using the CM/ECF system, which will send an electronic copy of the foregoing to counsel of record and constitutes service under Federal Rule of Civil Procedure 5(b)(2)(D) pursuant to Local Rule 5.9 of the Northern District of Illinois.

/s/ Jason A. Berta